

OUR CHURCH PROPERTY IN VIRGINIA.

At the last session of the Virginia Conference it was resolved that E. P. Phelps be and he is hereby appointed to prepare a statement of the Church property case within our bounds, with such arguments in support of our claims as he may deem expedient, for publication in our Church papers. It is my duty to regard the expressed wishes of my conference. In 1842 the General Assembly of Virginia enacted the following law, which was deemed necessary to give the courts jurisdiction in the case of Church property.

"PROPERTY ACQUIRED BY A CHURCH SINCE THE REVOLUTION. 1. Every conveyance, devise, or dedication shall be valid which since the first day of January, seventeen hundred and seventy-seven, has been made, and every conveyance shall be valid which hereafter shall be made, of land for the use or benefit of any religious congregation as a place of public worship, or as a burial place, or a residence for a minister; and the same shall be held for such use or benefit, and for such purpose and not otherwise.

"The circuit court of the county or corporation wherein there may be any parcel of such land, or the greater part thereof, may, on application of the proper authorities of such congregation, from time to time appoint Trustees either where there were or are none, or in place of former Trustees, and change the appointment whenever it may seem to the court proper to effect or promote the purpose of the conveyance, devise, or dedication; and the legal title to such land shall for that purpose be vested in said Trustees for the time being and their successors."

"This last section was amended in 1867, so that what next follows was added, to-wit: "And whereas, divisions have occurred in some Churches or religious societies to which such religious congregations have been attached, and such divisions may hereafter occur, it shall in any such case be lawful for the communicants and pew-holders and pew-owners over twenty-one years of age, a vote of a majority of the whole number, as soon as practicable after the passage of this act, or whenever such division shall occur, to determine by which branch of the church or society such congregation may belong; and which determination shall be reported to the said court, and if approved, shall be entered on the records of the court, and shall be conclusive as to the title and control of any property held in trust for such congregation, and shall be respected and enforced accordingly in the courts of this Commonwealth," etc. In the new constitution adopted in 1869, under which the State was admitted to representation in Congress, there is this article on "CHURCH PROPERTY."

"The rights of ecclesiastical bodies in and to Church property conveyed to them by regular deed or conveyance, shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor by any act of the Legislature purporting to govern the same; but all such property shall pass to and be held by the parties set forth in the original deed or conveyance, or their legal assignees, or such original parties holding through or by conveyance, and any act or acts of the Legislature in opposition thereto shall be null and void." I have given the law of Virginia bearing upon the case.

In the law of 1842 the term "religious congregation" was defined as being "to include only the actual members of the Church or society. This is certainly the sense attached to it by the courts. The law of the same date provides that trustees may be appointed to effect or promote the purpose of the conveyance, devise, or dedication. Now, what was the purpose for which our churches in Virginia were built? Let the deeds decide: "In trust that they shall erect and build, or cause to be erected and built thereon, a house or place of worship for the use of the members of the Methodist Episcopal Church in the United States of America, according to the rules and discipline which from time to time may be agreed upon and adopted by the members and preachers of said Church, at their General Conferences in the United States of America, and in further trust and confidence, that they shall at all times forever hereafter permit such ministers and preachers belonging to the said Church, as shall from time to time be duly authorized by their General Conference, to preach and expound the Gospel of our Lord Jesus Christ, and to administer the sacraments and other ordinances of the said Methodist Episcopal Church, or by the Annual Conferences authorized by the said General Conference, to preach and expound God's holy word therein." This is the trust for the promotion or effecting of which trustees have been appointed.

"The law of 1842 is the basis of the old Loudoun Circuit (one at Salem and one at Retortown) were before the Court of Appeals of Virginia in 1856. I have given a portion of the deeds above. These cases were decided against us by that court for the reason that it was held that they were "border societies," and under the "plan of separation" had the right to administer the church. But in the opinion in the case, delivered by Judge Daniel, in which two of his associates concurred, such principles were announced as fully sustain our claim to the use of the churches for which we are contending. After deciding that the interests of the "local societies" were sufficiently protected by bringing the case within the statute, notwithstanding the general character of the deed, and of course admitting the validity of the deed, etc., he says: "If at any time before the division of the Church, under the plan of separation, such a controversy had arisen among the members at Salem Church-house, in respect to the ownership of the house—each party under the lead of a preacher claiming its exclusive use for the purpose of worship—the dispute must have been determined by inquiring not which of the two parties constituted a majority, or represented the wishes of a majority of the members of the society, but which of the two preachers had been appointed and assigned to the church in accordance with the laws of the Church; and which of the two parties was acting in conformity with the discipline of the Church and submitting to its lawful government."

"That portion of the act, however small the minority, that acted in conformity with the discipline of the Church, received the property in the company of the members to the lawful government of the Church, the Court of Appeals of Virginia held would be entitled to the use of the Church-house. The property appointed preacher and the Church-house were to go together. Those members who rejected the property appointed preacher, and rebelled against the authority and government of the Church, forfeited their membership, and with it all interest in the property. For in this same case Judge Daniels, quoting approvingly an opinion in another case, says: "But it is most obvious that simply holding the same faith, without submitting to the discipline of the Church, is not sufficient to constitute a member of any Church two points, at least, are essential, without meaning to say that others are not so—a profession of its faith and a submission to its government."

What application has this to the law as amended in 1867 by a Legislature influenced

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NIGEL BARTRAM'S IDEAL. A Novel. By Florence Whipple. Price 25 cents. THE PHYSICAL CAUSE OF THE DEATH OF CHRIST. By Wm. Stroud. Price 25 cents. A COMPLETE DICTIONARY. Mainly abridged from Smith's Dictionary of the Bible. One vol., 8vo., cloth, \$3.

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THE AMENDMENT MUST FAIL TO EFFECT THE PURPOSE OF ITS ENACTMENT BECAUSE THE DEED HAD BEEN MADE VALID BY THE LAW OF 1842. THE CONTRACTS WERE COMPLETED, THE TITLES MADE GOOD, AND THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE FORBID "THE IMPAIRING OF THE OBLIGATION OF CONTRACTS."

"But we will meet with the plea that in many places the members were left, and all adhered to the Church South. We have seen that under the law the preacher and the Church-house go together.

"The Trustees are required to let our preachers conduct religious worship by the deed, and, besides, the Church South people, having lost their interest in and right to the property by rebelling against or renouncing the authority of the M. E. Church, they can set up no legal claim to it, get it who may. But whatever doubts may have been excited in some minds should be removed by the article in the constitution. This was voted for by a large majority of the people, and they by their vote have decided that they must have this property. Whether they are to be satisfied with the deed, or of the moral right in the case I have no doubt.

"The Virginia Conference said in the Pastoral Address in 1869, 'In portions of our bounds we labor under difficulties because of exclusion from houses of worship built for the use of our members and ministers, the right to the use of which we claim upon the authority of the M. E. Church, but which we make this claim we have been denounced as house-stealers and robbers, but this will not divert us from our purpose if possible to possess them.

"Those who contributed to build them gave their means in good faith to provide places for the worship of God to be conducted under the authority of the Methodist Episcopal Church, and an attempt to divert them from that purpose is a violation of the contract. We cannot consent that this contract shall be broken. We have driven no one from these temples, and those who have left voluntarily have no right to take the property that according to all just principles we are entitled to use. We doubt whether the M. E. Church, if possible, will have passed away, reflecting and just men will accord our claim. We make no claim to the property that under the Plan of Separation passed to the Methodist Episcopal Church, South." We claim no property but that which was in the bounds of the Baltimore Conference, and such as the Church South had no claims upon arising out of the so-called "Plan of Separation."

"In 1868 the General Conference set off a part of the territory of the Baltimore Conference to the Virginia Conference. I have thus presented the grounds upon which our claims rest, and your readers can decide if our case ought to stand in the courts of earth and heaven. If we are excluded from a large number of churches and parsonages, I will give one case which is perhaps stronger and stranger if possible, than others.

"The venerable Rev. John Kobler, a member of the Baltimore Conference, lived and died in Fredericksburg, Va., as did also his wife. Her will, bearing the date November 1856, gave the bulk of her estate to certain trustees, naming them, 'to be held in trust by the said trustees as a parsonage, or otherwise, for the benefit of the M. E. Church, so long as the said Church holds its connection with the Baltimore Annual Conference, and if hereafter such connection should be dissolved, then the said trustees are to divide the said property into five consecutive years, to desire that the said house and lot shall revert to my estate, and go to my heirs at law, as I do not in any event wish the said property to go to the M. E. Church, South.' Yet this house is held by the Church South; their preacher lives in it, and our preacher lives in a rented house. Besides, the church and parsonage in the same town is unoccupied, (the Church South people having one of their own,) unless, perhaps, when let out for some exhibition or acting, and we must rent a hall for worship. It is useless to reason with these people. When in the interests of slavery they stooped to treason against a good government, some of them, at least, became traitors to their own country, and yet are called "church-stealers and robbers." Out of their own mouths will I condemn them.

"If taking and using and claiming houses, churches and parsonages which are not theirs constitute church-stealing and robbery, then they are not only guilty of this, but of bearing false witness against their neighbors." Perhaps such charges are not in good taste. The Church South and their sympathizers are entitled to the paternity of such language. It accords with their spirit—a spirit which I have seen manifested for years past; I contended with and fought before, and now I am addressed to preachers and people who stood by me then, and I am sorry to be compelled to believe that neither have they improved the spirit nor has the spirit improved them. A greater number would have adhered to the old Church in Virginia if it had not been for this spirit in and out of the Church South. The effort was to prevent our success.

"If the leaders of the Church South are willing to risk the verdict of history as to their course they can do so. That verdict will not be rendered by passion engendered and inflamed by staccato and rebellion, but in the light of liberty, truth, and justice. The broadest number of true Christian charity will not be withheld from any man, and in the light of these I am willing that the questions between us shall be judged, now and hereafter, in time and eternity. I would just add that a large amount of property is involved. Whether it should be secured for the use of members and ministers of the M. E. Church, that the purpose of those who provided it may be effected, or suffered to pass into the hands of the M. E. Church South, is a question easily determined. The Lord prosper the right!

E. P. PHELPS, of Alexandria, Va., April 4, 1871.

BANKRUPT NOTICES.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE Eastern District of Virginia, in Bankruptcy. In the matter of Ferguson & Deyer, bankrupts in bankruptcy. JAMES C. FERGUSON, Plaintiff, vs. JAMES C. DEYER, Defendant.

GIFT CONCERT.

\$1000000. BY AUTHORITY OF A SPECIAL ACT OF THE Legislature of Kentucky, of March 13, 1871, the Trustees of the Public Library of Kentucky will give a

GRAND GIFT CONCERT AT LOUISVILLE, KY., ON TUESDAY, October 31, 1871. Under the direction of the best musical talent that can be procured.

Tickets of Admission, \$10 each, currency; half tickets, \$5; quarter tickets, \$2.50. Each ticket will have attached to it four coupons of the denomination of \$2.50 each. The holder of an entire ticket will be entitled to admission to the concert and to the whole amount of the gift awarded to him.

To provide funds for this Grand Concert, and for the benefit of the Public Library of Kentucky, 100,000 tickets will be sold at \$10 each, currency. THE CITIZENS' BANK OF KENTUCKY IS TREASURER.

All moneys raised by the sale of tickets will be deposited with the Citizens' Bank, subject only to the order of the President and Treasurer of the Library, countersigned by the Business Manager.

FREE LIBRARY IN LOUISVILLE TO BE CALLED THE PUBLIC LIBRARY OF KENTUCKY. The Concert and Distribution will take place under the immediate supervision of the Trustees named in the act of incorporation, who are as follows:

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ORGANIC WEAKNESS. This dreadful disease—which renders life miserable and ruins in health—may be speedily cured by the use of Dr. Johnston's medicine. This disease is generally contracted by the use of improper indulgence in young persons are too apt to commit excesses from which they may never recover.

DR. JOHNSTON. Member of the Royal College of Surgeons, London, and of the Medical Association of the United States, and the greater part of whose life has been spent in the hospitals of Europe, and in the practice of his profession, has effected some of the most astonishing cures that were ever known, many troubled with ring-baldness, or falling hair, or with nervousness, being alarmed at sudden sounds, beset with frequent blushing, attended with tremulousness, or with a morbid, or nervous irritability, dyspepsia, palpitation of the heart, indigestion, constitutional debility, a nervous system, consumption, emaciation, decay and death.

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MARRIAGE. The fearful effects of this disease are much to be dreaded. Loss of Memory, Confusion of Ideas, Depression of Spirits, Evil Forebodings, Aversion to Society, Self-strut, Loss of Confidence, Timidity, &c., are some of the evils produced.

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